

## REMARKS

Applicant would like to thank the Examiner for the courtesies extended in the interview granted on June 28, 2006 and his constructive approach to this matter.

Claims 1, 7, 8, 17, 18 and 22 have been amended to more clearly define the invention.

Support for the amendments is found in the existing claims and in the Application description in connection with Figure 8B and other places.

*I. Rejection under 35 U.S.C. 103(a)*

Claims 1-8 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,845,255 – Mayaud in view of U.S. Patent Application 2002/0013815 – Obradovich et al. These claims as amended are deemed to be patentable for the reasons given below.

Amended claim 1 recites a method for “transferring medical record information of a patient between portable processing devices, comprising the steps of: on a first portable processing device, selecting information to be transferred in response to user command; establishing a bidirectional communication link with a second portable processing device; validating identification data of a medical information recipient associated with said second portable device to determine said recipient is authorized to access said selected information; and communicating patient identification information and said selected information on said established communication link in response to user selection of a displayed icon.

The Obradovich and Mayaud references individually or in combination fail to show or suggest “establishing a bidirectional communication link” between first and second portable processing devices for “communicating patient identification information and said selected information on said established communication link in response to user selection of a displayed icon”. Obradovich with Mayaud also fail to show or suggest these features in combination with “validating identification data of a medical information recipient associated with said second portable device to determine said recipient is authorized to access said selected information”. The Rejection recognizes on page 3 that Mayaud fails to show

or suggest “a first portable processing device” that enables a user to establish a “**bidirectional** communication link with a second portable processing device”. However, neither Mayaud nor Obradovich alone or together show, suggest or contemplate “a first portable processing device” that enables a user to, (1) select “information to be transferred in response to user command”, (2) establish a “bidirectional communication link with a second portable processing device” (3) validate “identification data of a medical information recipient associated with said second portable device to determine said recipient is authorized to access said selected information” and (4) communicate “patient identification information” and the “selected information” on the “established communication link in response to user selection of a displayed icon”.

Neither Mayaud nor Obradovich alone or together, recognize the problems involved in transferring sensitive patient medical information on a “first portable processing device” of a first physician such as a radiologist to a “second portable processing device” of a specialist physician such as a cardiologist for a second opinion, for example. Neither Mayaud nor Obradovich recognize any need for such a feature or provide any 35 USC 112 compliant enabling disclosure of the claim 1 arrangement. Mayaud in column 10 lines 12-27 discusses security in accessing patient medical records upon a “Physician encounter” by a single physician based on access codes or “security control cards” and discusses third party access to physician related data. However Mayaud (with Obradovich) in column 10 or column 17 lines 22-29 (generally referring to patient e.g., prescription data security) nowhere recognizes the need for, or provides any 35 USC 112 compliant enabling disclosure of, establishing a “bidirectional communication link” between portable processing devices with a second portable processing device” validating “identification data of a medical information recipient associated with said second portable device to determine said recipient is authorized to access said selected information” and communicating “patient identification information” and the “selected information” on the “established communication link in response to user selection of a displayed icon”.

The combined references fail to show or suggest establishing a “bidirectional communication link with a second portable processing device”, validating “identification data of a medical information recipient associated with said second portable device to determine said recipient is authorized to access said selected information” and communicating “patient identification information” and the “selected information” on the “established communication link in response to user

selection of a displayed icon". Further, neither reference provides any other reason or motivation for incorporating the claimed arrangement. In contrast, the Application recognizes the need and advantage of such capability and provides a 35 USC 112 compliant enabling description of how such a capability is to be implemented. The system of claim 1 enables "transferring patient record information between portable processing devices by pre-selecting data elements comprising the patient identification information" (Application page 2 lines 24-27, page 5 lines 9-12). These features address the deficiencies of known electronic systems for transferring patient medical data within a hospital, for example (Application page 2 lines 3-8). Consequently, withdrawal of the Rejection of claim 1 under 35 USC 103(a) is respectfully requested.

Claims 2-8 and 17-22 are considered to be patentable for the reasons given in connection with claim 1 and for reasons given in the previous amendment addressing the Office Action dated June 17, 2004.

*II. Rejection under 35 U.S.C. 103(a)*

Claims 9, 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,845,255 – Mayaud in view of U.S. Patent Application 2002/0013815 – Obradovich et al. and further in view of Microsoft Internet Explorer 5.0 (IE). These claims are considered patentable for reasons given in connection with claim 1 and for the following reasons.

Dependent claim 9 recites a method of "transferring medical record information of a patient **between portable** processing devices" by "establishing a bidirectional communication link" between the portable processing devices for "providing **updated patient record** information to a patient record information repository" involving "storing a plurality of **communication settings** associated with a plurality of corresponding communication links; **sequentially initiating communication** on individual communication links, one at a time, using associated corresponding communication settings until an **acknowledgement** is received within a predetermined **time-out window** indicating a communication link with a second portable processing device is established". These features are not shown or suggested in Mayaud with Obradovich in combination with IE.

The Rejection on page 7 recognizes that Mayaud does not disclose "**sequentially initiating communication** on individual communication links, one at a

time, using associated corresponding communication settings until an **acknowledgement** is received within a predetermined **time-out window** indicating a communication link with a second portable processing device is established". However, the Rejection on page 7, states that IE teaches "sequentially initiating communication on individual communication links, one at a time, using associated corresponding communication settings". Contrary to the Rejection statements on page 7, neither IE nor Mayaud with Obradovich alone or together, suggest a "first portable processing" device "**sequentially initiating communication** on individual communication links, one at a time, using associated corresponding communication settings" for "establishing a bidirectional communication link" between portable processing devices. Further, neither IE nor Mayaud with Obradovich alone or together suggest employing this process in combination with "**providing updated patient record** information to a patient record information repository".

The IE "Internet Options" and "Connections" submenu relied on in the Rejection pages 7 and 8 allows a user to select a **single** communication link to use to initiate communication to the Internet, LAN or a Virtual Private Network. It does NOT enable "sequentially initiating communication on individual communication **links, one at a time**, using associated corresponding communication settings". The connections menu does NOT enable "**sequential**" initiation of communication on **multiple** individual communication **links** "one at a time" at all. There is no capability in the referenced menu to "**sequentially**" initiate communication on multiple different "communication links". In addition, neither IE nor Mayaud with Obradovich alone or together suggest "**sequentially initiating communication** on individual communication links, one at a time, using associated corresponding communication settings until an **acknowledgement** is received within a predetermined **time-out window** indicating a communication link with a **second portable** processing device is established".

These features address the deficiencies of known electronic systems for transferring patient medical data within a hospital, for example (Application page 2 lines 3-8). Neither, IE nor Mayaud with Obradovich address or contemplate these deficiencies. Further, none of the references provide any other motivation or reason for incorporating the claimed features. In addition, the incorporation of the IE features into the Mayaud (with Obradovich) system, as suggested by the Rejection, results in a system in which a portable processing device initiates Internet or network communication, on a single communication link, with a fixed location host computer using communication settings pre-configured using a configuration menu. Such a

system does NOT provide the features of the claimed arrangement. Consequently withdrawal of the Rejection of claim 9 under 35 USC 103(a) is respectfully requested.

Dependent claim 10 is considered to be patentable based on its dependence on claims 1 and 9. Claim 10 is also considered to be patentable because Mayaud with Obradovich with IE does not show (or suggest) “**sequentially** initiating” communication “**one at a time**” on multiple communication links including “at least **two**” of “(a) connection via a PC compatible serial port, (b) connection via an infra-red link to a PC compatible serial port, (c) connection via an Ethernet compatible network (d) connection via an infra-red link to an Ethernet compatible network and (e) a wireless network connection”. There is no capability in the referenced IE menu used with Mayaud with Obradovich to “sequentially” initiate communication on two different “communication links” of “(a) connection via a PC compatible serial port, (b) connection via an infra-red link to a PC compatible serial port, (c) connection via an Ethernet compatible network (d) connection via an infra-red link to an Ethernet compatible network and (e) a wireless network connection”. The IE “Internet Options” and “Connections” submenu (with Mayaud with Obradovich) relied in the Rejection pages 7 and 8 allows a user to select a **single** communication link to use to initiate communication to the Internet, LAN or a Virtual Private Network. It does NOT enable “**sequentially** initiating communication on individual communication **links, one at a time**, using associated corresponding communication settings. Mayaud column 45 line 35 – column 46 line 15 (with Obradovich and IE) mentions “modem, infra-red, wireless or the like” connections (column 45 lines 42-43) but fails to show or suggest ) “**sequentially** initiating” communication “**one at a time**” on multiple communication links.

Amended dependent claim 12 is considered to be patentable for reasons given in connection with claims 1 and 9.

Dependent claim 13 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 13 is also considered to be patentable because Mayaud with Obradovich does not show (or suggest) “said set of communication settings include at least **two** of, (a) data rate, (b) protocol identifier, (c) sender identifier code, (d) error handling code identifier and (e) data format identifier”. Mayaud with Obradovich with IE in Columns 25, 42, 46, Figure 3 and elsewhere, as relied on in the Rejection, does not show or suggest use of two of these parameters for communication between two portable processing devices.

Amended dependent claim 14 is considered to be patentable for reasons given in connection with claims 1 and 9.

Dependent claim 15 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 15 is also considered to be patentable because Mayaud with Obradovich does not show (or suggest) “communicating at least **two** of (a) username, (b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification supporting return of control to said calling application upon completion of communication on an established communication link”. Mayaud (with Obradovich) in column 10, as relied on in the Rejection mentions passwords but does not suggest use of “(a) username...(c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification” together with the features of claims 1 and 9.

Dependent claim 16 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 16 is also considered to be patentable because Mayaud with Obradovich with IE does not show (or suggest) “repeating said initiating communication step for a predetermined number of times until a connection is established or a communication failure is declared”. There is no suggestion in the combined references of “repeating” **“sequential”** initiation of communication on multiple individual communication **links** “one at a time” for a “predetermined number of times until a connection is established or a communication failure is declared”.

### *III. Rejection under 35 U.S.C. 103(a)*

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,845,255 – Mayaud in view of U.S. Patent 5,924,074 – Obradovich and in view of Microsoft Internet Explorer 5.0 (IE) and further in view of U.S. Patent application 2002/0019751 – Rothschild et al.. These claims are considered patentable for reasons given in connection with claims 1 and 9 and for the following reasons.

Dependent claim 11 is considered to be patentable based on its dependence on claims 1 and 9 and for reasons given in connection with these claims. Claim 11 is also considered to be patentable because Mayaud with Rothschild with IE does not show (or suggest) “sequential” initiation of communication on multiple individual communication links “one at a time” **“automatically upon detection of a lost connection** to support seamless operation of said portable processing device”.

The Rothschild scheme discussed in paragraph 0088 Relied on in the Rejection on page 9 merely comprises a scheme for polling for, and storing, changed IP addresses. This scheme, with the teachings of the other references, does NOT suggest “sequential” initiation of communication on multiple individual communication links “one at a time” automatically “upon detection of a lost connection to support seamless operation of said portable processing device”. In addition there is no common problem recognition, motivation or other reason in the three cited references to combine the reference teachings to provide the claimed system. Further, the incorporation of the Obradovich, Rothschild and IE features with the Mayaud system, as suggested by the Rejection, results in a system in which a portable processing device initiates Internet or network communication, on a single communication link, with a fixed location host computer using communication settings pre-configured using a configuration menu involving polling to find changed IP addresses for updating communication settings. Such a system doe NOT provide the features of the claimed arrangement. Consequently withdrawal of the Rejection of amended claim 1-22 under 35 USC 103(a) is respectfully requested

In view of the above amendments and remarks, Applicants submit that the Application is in condition for allowance, and favorable reconsideration is requested.

Respectfully submitted,

  
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